



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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SUPERINTENDENT OF
PUBLIC INSTRUCTION

October 5, 2011

MEMORANDUM

TO: State Board of Education

FROM: Lisa M. Hansknecht, Director, Office of State and Federal Relations

SUBJECT: State and Federal Legislative Update

STATE UPDATE

Parent Empowerment Education Reform Package - UPDATE

Senate Education Committee has reported three bills from this package since the September meeting of the State Board of Education.

SB 618 (S-1) (sponsored by Senator Pavlov) was reported to the Senate floor with recommendation that it pass. The S-1 substitute eliminated the tie bar to Senate Bill 624 (mandating schools of choice). The bill would amend the Revised School Code to do the following with respect to public school academies (PSAs), urban high school academies, and schools of excellence (SOEs):

- Delete numerical and geographical limits on the issuance of contracts for PSAs, urban high school academies, and SOEs.
- Allow two or more authorizing bodies to issue a contract for a PSA or an SOE under an interlocal agreement.
- Require educational goals to include demonstrated pupil academic achievement for all groups of pupils.
- Permit contracts for the operation of the same configuration of age or grade levels at more than one site.
- Delete requirements for a PSA or SOE to comply with a school district's collective bargaining agreement.

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- Exempt property of a PSA, urban high school academy, or SOE from real and personal property taxes.
- Require enrollment at a PSA or an SOE authorized by a community college to be open to all pupils in the State meeting the admission policy.
- Require a petition to be signed by at least 5%, rather than 15%, of the electors in a school district, in order to place the question of issuing a PSA or SOE contract on the ballot.
- Allow the board of a school district to contract with a person or entity to hire qualified teachers.

Senate Bill 619 (sponsored by Senator Colbeck) was reported to the Senate floor with recommendation that the bill be passed. The bill would amend the Revised School Code to do the following with respect to cyber schools:

- Delete the limit on the number of contracts that may be issued for schools of excellence that are cyber schools.
- Delete requirements that cyber school pupils previously be enrolled in public school, and that a cyber school offer all of Grades K through 12.
- Delete limits on the number of students enrolled in a cyber school and requirements pertaining to the enrollment of dropouts.
- Revise the requirement for experience that an entity applying for a cyber school contract must demonstrate to remove the focus on urban and at-risk student populations since under the proposed language cyber schools would not be limited to serving those. New language was added that they must demonstrate experience in "delivering a quality education program that improves pupil academic achievement."

Senate Bill 621 (S-1) (sponsored by Senator Hansen) was reported to the Senate floor with a recommendation that it be passed. The bill would amend the State School Aid Act with respect to the provision of shared-time instruction of nonpublic students by public schools. It would broaden the geographic boundaries for nonpublic student instruction and provide a nonpublic school with the access for shared-time service from other districts in its resident ISD and in contiguous ISDs.

The remaining three bills likely will be scheduled for further hearing and votes in the coming week (SBs 620, 622, 623, 624, 709 and 710).

Senate K-12 Appropriations Subcommittee

The Senate K-12 Appropriations Subcommittee is considering legislation to provide a supplemental appropriation for an early education assessment and quality rating system for early child care. It is my understanding this would enhance the State's chances and efforts at winning the Early Learning Challenge grant funding from the

U.S. Department of Education. The substance of the appropriation will be inserted into a bill and is likely to move in the coming weeks. (No bill number is available at this time.)

The Senate K-12 Appropriations Subcommittee reported Senate Bill 691 (sponsored by Senator Hildenbrand) to the House floor. This bill would allow for alternative education programs and strict discipline academies to track attendance per day and receive a pro-rated per pupil FTE. This issue was raised as the SDAs raised concerns about taking on court-placed, expelled, or suspended students without ever receiving any funding for them. The MDE staff is working with the House to address some technical issues on the bill. SB 691 is likely to pass the Senate in the coming month.

House K-12 Appropriations Subcommittee

The House K-12 Appropriations Subcommittee is considering House Bills 4513 and 4514 (sponsored by Representative Franz). House Bill 4513 would amend the Revised School Code to require a child to be at least five years old on September 1, rather than December 1, in order to enroll in Kindergarten. This would begin in the 2011-2012 school year. This would apply to enrollment in a school district and a public school academy.

In addition, a parent or guardian could apply for a waiver to enroll a child early who was not five years of age on September 1, but would be five by December 1. To obtain a waiver, the parent or guardian would have to apply to the principal of the school in which the child would enroll, using a form obtained from the principal, by May 1, before the school year for which enrollment was sought.

Upon receiving the application, the principal would have to form a committee consisting of a school administrator and two teachers to evaluate the child's Kindergarten readiness. The committee would have to administer a skills level assessment commonly used in the district for that purpose. The committee also would have to interview the child and the parent or guardian. The committee would be required to notify the parent or guardian of its decision of whether to grant the waiver by July 1.

Currently, in a school district that has semiannual promotions, a child may enroll in Kindergarten for the second semester if he or she is at least five years old on March 1 of the year of enrollment. This bill would delete that provision as it is obsolete and archaic.

House Bill 4514 would amend the State School Aid Act to require that a pupil meet the minimum age requirement to attend school under Section 1147 of the Revised School Code, or have received a waiver under that section, instead of being at least five years old on December 1, in order to be counted in membership for the purpose of calculating school aid.

The bills are tie-barred to each other.

FEDERAL UPDATE

ESEA Flexibility and Reauthorization

The Senate Health, Education, Labor, and Pensions (HELP) Committee is scheduled to mark-up a proposed bi-partisan Elementary and Secondary Education Act (ESEA) reauthorization bill on October 18th. No details have been released yet on the actual legislation, but it is apparently the product of ten months of negotiations between Chairman Harkin (D-Iowa) and ranking member Enzi (R-WY).

It is unlikely that Congress will approve a final bill that will be signed into law this year. However, the Senate HELP Committee markup will play a role in shaping the final form of a new ESEA whenever that happens.

Until such a time as ESEA is reauthorized, the U.S. Department of Education has recognized the need for additional flexibility to the states. They have opened an ESEA flexibility request process.

The Michigan Department of Education staff is working to understand the process and requirements and looking at the various deadlines. Further information is available online (<http://www.ed.gov/esea/flexibility>) and will be presented under the Superintendent's Report.

I hope this information is helpful to you. If you have any questions or concerns regarding these or other legislative issues, please feel free to contact me at 517-241-4993.